

## Motion GRANTED.

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

Otto A. Baum

**UNITED STATES OF AMERICA** )  
 )  
 )  
v. ) **Case No. 3:11-cr-00003-1**  
 )  
**JAMES R. SMITH** ) **Judge Trauger**

**MOTION BY ATTORNEY PETER J. STRIANSE, ESQ.,  
FOR PERMISSION TO WITHDRAW AS ATTORNEY OF RECORD**

Peter J. Strianse, Esq., Attorney of Record for Defendant James R. Smith in the above-captioned case, hereby moves the Court, pursuant to *Local Rule 83.01(g), Middle District of Tennessee*, for permission to withdraw his appearance as attorney of record for Defendant Smith. In support hereof, Counsel states as follows:

1. Undersigned counsel has represented Mr. Smith since the Fall of 2010. On December 10, 2012, after an adversarial sentencing hearing at which a number of disputed sentencing factors were at issue, the Court sentenced Mr. Smith to 60 months imprisonment (the minimum sentence that the Court was statutorily authorized to impose) upon his previously entered plea of guilty to the lesser included offense of possession with intent to distribute more than 100 marijuana plants contained in Count Two of the Indictment.<sup>1</sup> (Docket Entry 92). Mr. Smith was also placed on supervised release for four years and a consent order of forfeiture was entered. *Id.*

<sup>1</sup> Mr. Smith was charged in the original indictment with manufacturing 1000 or more marijuana plants (Count One) and possession with intent to distribute 1000 or more marijuana plants (Count Two). (Docket Entry 1). More than 1000 marijuana plants carries a statutory minimum mandatory punishment of ten years to life imprisonment. Undersigned counsel was successful in convincing the government that the accurate plant count was approximately 365 not the over 1100 count that was alleged in the indictment.